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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,605	11/20/2000	Vladimir Matena	06502.0018-01	7197

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EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,605

Applicant(s)

MATENA, VLADIMIR

Examiner

Monplaisir G Hamilton

Art Unit

2135

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 14-15 and 24-25 is/are rejected.
- 7) ☐ Claim(s) 3-13, 16-23 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 remain for examination.

Terminal Disclaimer

2. The terminal disclaimer filed on 2/13/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 5,996,075 (Matena) has been reviewed and is accepted. The terminal disclaimer has been recorded.

Incorporation by Reference

3. Applicant has incorporated by reference material for VaxCluter Principles by Davis, R.J. Examiner requires this information to completely determine the patentability of the current application. Please see 37 CFR 1.105.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 14-15 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by An Algorithm for Data Replication by Timothy Mann et al.

Referring to Claims 1, 14 and 24:

Mann discloses a method for preventing access to a shared peripheral device by a processor-based node in a multinode system, comprising:

(1) storing at the peripheral device a first unique value representing a first configuration of the multinode system (page 17, Pseudo-code for Service Phase, paragraph 1; page 20, Epochs, paragraph 1-2);

(2) sending an access request from the node to the device, the request including a second unique value representing a second configuration of the multinode system (page 17, 2.2 Service, paragraphs 5-6; page 20, Epochs, paragraph 1-2);

(3) determining whether said first and second values are identical (2.1, Phases and States, paragraphs 3-4);

(4) if the first and second values are identical, then executing the access request to the peripheral device (2.1, Phases and States, paragraphs 3-4); and

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repeating steps (3) and 4) each time an access request is sent from the node to the device (page 17, 2.2 Service, paragraphs 5-6).

Referring to Claims 2, 15 and 25:

Mann discloses the limitations of Claim 1 above. Mann further discloses said first value is generated utilizing at least in part information relating to a first time when the multinode system was in said first configuration; and said second value is generated utilizing at least in part information relating to a second time when the multinode system was in said second configuration (page 5, 1.2 System Structure, paragraph 4, Fig. 4).

Allowable Subject Matter

5. Claims 3-6, 7-13, 16-23 and 26 and are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

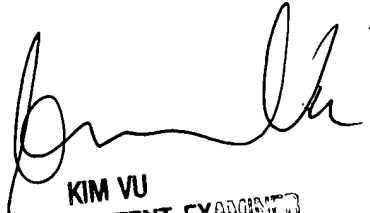
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100